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APR 18 2001

Michelle Mundt

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April 18, 2001

HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Ex Parte Presentation**

Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules

WT Docket No. 97-112; CC Docket 90-6

Dear Ms. Salas:

Today we sent the attached letter to Thomas Sugrue, Chief of the Wireless Telecommunications Bureau. Pursuant to section 1.1206(b)(1) of the Commission's rules, four copies of this letter and attachment are being filed with the Office of the Secretary.

Sincerely,

Michelle Mundt

Michelle Mundt

cc: Thomas Sugrue
David Furth
Jim Schlichting
Roger Noel
Lauren Kravetz

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Douglas I. Brandon
Vice President-
External Affairs & Law

April 18, 2001

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Mr. Thomas Sugrue
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

Re: **Ex Parte Presentation**

Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules

WT Docket No. 97-112; CC Docket 90-6

Dear Mr. Sugrue:

AT&T Wireless Services Inc. ("AT&T") files this letter in response to Petroleum Communications Inc.'s ("PetroCom's") March 1, 2001 ex parte filing and Bachow/Coastel's April 4, 2001 ex parte filing in the above captioned proceeding.

PetroCom's assertions that it has "excellent relationships with neighboring land licensees" and "has never used the tactic of denying a request for an extension into its own CGSA in order to create an unserved area that it then could apply for on its own" are exaggerations at best. AT&T, as the A-block cellular licensee in several markets that border the Gulf of Mexico in Florida, is particularly suited to respond to these claims. While PetroCom very recently signed two extension agreements with AT&T, other requests for extension agreements have been denied or have languished with PetroCom, at times for years. For example, AT&T was recently required to relocate one site in Weeki Wachee, Florida at great expense, after waiting years for PetroCom to respond to its request for an SAB extension agreement.

PetroCom claims that its willingness to enter into collocation and extension agreements with land-based carriers is evidence that the Commission's existing rules "can and do work." AT&T's experience does not bear out this claim. AT&T respectfully submits that any rules that require a carrier seeking to improve service to its customers to seek consent from another carrier



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in order to extend its SAB contour into an area where the second carrier is not now and not likely ever to be providing service, are seriously flawed. As AT&T explained in its comments and further reply comments in this proceeding, under the Commission's current rules AT&T has difficulty serving subscribers along the shoreline in certain markets in Florida because of the prohibition against any extensions by land-based carriers into the CGSA of the GMSA licensees. AT&T believes that the compromise proposal offered by ALLTEL Corporation,^{1/} under which both land-based and Gulf carriers would be permitted to establish contours into the coastal zone, would resolve many of the problems currently facing cellular carriers with markets adjacent to the GMSA by allowing them to increase signal strength as necessary to provide reliable and ubiquitous service to their customers.

AT&T also wishes to respond to Bachow/Coastel's statement that land-based carriers' claims about its excessive roaming rates are a "complete mischaracterization." Bachow/Coastel argues that it "has offered roaming rates to its adjacent land carrier licensee at [\$0.50 per minute], only to have that land carrier reject the offer (in order for the land carrier to preserve its argument for a rules change)." While AT&T cannot speak to the particular negotiation to which Bachow/Coastel refers, in previous negotiations between AT&T and Bachow/Coastel, Bachow/Coastel insisted that AT&T pay a roaming rate six to eight times market rates in order for AT&T's customers to roam on Bachow/Coastel's Gulf system.^{2/} When years of negotiations proved unsuccessful, AT&T requested that its numbers be pulled from Bachow/Coastel's Gulf system. Currently, AT&T does not offer its customers the ability to roam on Bachow/Coastel's Gulf system. As AT&T explained in its further comments, roaming in the Gulf currently is available to a limited number of AT&T's customers on PetroCom's network because PetroCom's roaming rates are lower than Bachow/Coastel's, although still well above market rates.

Contrary to Bachow/Coastel's suggestion, AT&T is not asking the FCC to regulate the Gulf carriers' roaming rates. Indisputably, however, these excessive charges heighten the concerns about subscriber capture near the GMSA that occurs under the current licensing regime. Whatever the reason for the higher roaming rates charged by the Gulf carriers, the fact that they are well above market rates supports targeted Commission action to protect consumers near the Gulf.

^{1/} See ALLTEL Further Comments at 9-10.

^{2/} See Declaration of Gary Reifel, attached to AT&T's Further Comments.

April 18, 2001
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Pursuant to section 1.1206(b)(1) of the Commission's rules, four copies of this letter are being filed with the Office of the Secretary. Copies of the letter are also being served on the Commission personnel listed below.

Sincerely,

Douglas I. Brandon/mm

Douglas I. Brandon

cc: David Furth
Jim Schlichting
Roger Noel
Lauren Kravetz
Magalie Roman Salas